

EXHIBIT H

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December 2, 2015

The Honorable Stuart M. Bernstein
U. S. Bankruptcy Judge
U.S. Bankruptcy Court for the
Southern District of New York
One Bowling Green
New York, NY 10004-1408

Re: *Picard v. Ceretti*, Adv. No. 09-01161 (SMB)

Dear Judge Bernstein:

We write in our capacity as counsel to Trustee Irving H. Picard, plaintiff in the above-referenced proceeding, to request a discovery-related conference before the Court under Local Rule 7007-1(b), and Your Honor's chambers rules. The issue is the Kingate Funds' refusal to produce documents that the Funds contend contain confidential shareholder information that the June 6, 2011 Litigation Protective Order, ¶4(e) excludes from the definition of "Confidential Material."

The Trustee and the Kingate Funds agreed upon a Case Management Plan that was so ordered by the Court on October 27, 2015 [ECF 227]. On October 5, 2015, the Trustee served the Funds with written Initial Disclosures and the Trustee's First Set of Document Requests ("Requests"). On October 14, 2015, the Funds served the Trustee with their Initial Disclosures. A copy of the Funds' Initial Disclosures is enclosed with this letter. On November 6, 2015, the Funds served the Trustee with (1) Kingate Euro Fund's Responses and Objections to the Trustee's First Set of Document Requests; and (2) Kingate Global Fund's Responses and Objections to the Trustee's First Set of Document Requests. A copy of the Funds' responses is enclosed with this letter.

The Funds have indicated they have hundreds of thousands of documents that are responsive to the Trustee's Requests, and they concede that not all of these documents contain shareholder information. To date, the Trustee has produced documents to the Funds and authorized their access to the Trustee's data rooms, but the Funds have not produced any documents in response to the Trustee's Requests due to the shareholder confidentiality issue.

The Trustee has advised the Funds that the identity of transferees, such as the Funds' shareholders, is not confidential, and that a modification of the June 6, 2011 Litigation Protective Order requires a stipulation with the Trustee or an order of this Court.

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Counsel for the respective parties have exchanged rounds of correspondence on this issue, but have been unable to reach a resolution. On November 30, we advised the Funds that we would request a discovery-related conference before Your Honor concerning this matter.

We ask that the Court schedule an informal conference at the Court's convenience and we will follow up with Your Honor's clerk by telephone.

Respectfully,

/s/ Geraldine E. Ponto
Geraldine E. Ponto

Enclosures

Copy (w/encls.) to: Robert S. Loigman
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